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10/670,364	09/26/2003	Takanori Okuoka	117345	5283

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EXAMINER	
SINGH, SATWANT K	
ART UNIT	PAPER NUMBER
2625	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,364	OKUOKA ET AL.	
	Examiner	Art Unit	
	SATWANT K. SINGH	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/07/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,14 and 17-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,14 and 17-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This office action is in response to the amendment filed on 07 May 2008.

Response to Arguments

2. Applicant's arguments filed 07 May 2008 have been fully considered but they are not persuasive. Applicant argues that the prior art of Usui fails to teach "***a calculation unit for calculating a fee for generating a third color characteristic data on the basis of the quality obtained as a result of the evaluation***". The examiner respectfully disagrees. The management unit 10 calculates the estimated printing fee (col. 12, lines 18-20). Prior to the printing of the printing data, the color conversion data (reflecting the color correction data with reference to the test printing, interpreted by the examiner as the third color characteristic data), the delivery specification data and the print specification data is sent to the management unit (col. 11, lines 64-67, col. 12, lines 1-18). Since the color conversion data is sent to the management unit prior to the management unit calculating the printing fee, it is being interpreted by the examiner that the printing fee takes into account the color conversion data in determining the printing fee.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19, 23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Minowa et al. (US 2003/0020951).

5. Regarding Claim 19, Minowa et al discloses a data processing system comprising: a determining unit that, when a rasterizing process by use of a target profile is executed based on a request from a requester (method of rasterizing the digital data), determines a first fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]) corresponding to use of the target profile (color conversion carried out using a predetermined LUT) (page 10, paragraph [0144]) and a second fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]) corresponding to execution of the rasterizing process (digital image subjected to the color conversion is converted to print data in a selected one of various methods, including a method of rasterizing the digital image) (page 10, paragraph [0145]) , the target profile representing a color characteristic of a target device (color conversion carried out using a predetermined LUT) (page 10, paragraph [0144]); and an accounting unit that accounts for the first fee and the second fee to the requester (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]).

6. Regarding Claim 23, Minowa et al discloses a data processing method comprising: determining, in a case where a rasterizing process by use of a target profile is executed based on a request method of rasterizing the digital data), a first fee (calculating the printing cost from the data converted to the print data) (page 11,

paragraph [0149]) corresponding to use of the target profile (color conversion carried out using a predetermined LUT) (page 10, paragraph [0144]) and a second fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]) corresponding to execution of the rasterizing process(digital image subjected to the color conversion is converted to print data in a selected one of various methods, including a method of rasterizing the digital image) (page 10, paragraph [0145]), the target profile representing a color characteristic of a target device (color conversion carried out using a predetermined LUT) (page 10, paragraph [0144]); and accounting for the first fee and the second fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]).

7. Regarding Claim 27, Minowa et al discloses a computer readable medium storing a program causing a computer to execute a process for performing a data processing, the process comprising: determining, in a case where a rasterizing process by use of a target profile is executed based on a request method of rasterizing the digital data), a first fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]) corresponding to use of the target profile (color conversion carried out using a predetermined LUT) (page 10, paragraph [0144]) and a second fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]) corresponding to execution of the rasterizing process(digital image subjected to the color conversion is converted to print data in a selected one of various methods, including a method of rasterizing the digital image) (page 10, paragraph [0145]), the target profile representing a color characteristic of a target device (color

conversion carried out using a predetermined LUT) (page 10, paragraph [0144]); and accounting for the first fee and the second fee (calculating the printing cost from the data converted to the print data) (page 11, paragraph [0149]).

8. Claims 26 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramoto (US 7,006,691).

9. Regarding Claim 26, Muramoto discloses a data processing method comprising: requesting for transmitting a target profile which represents color characteristics of devices (target value) (col. 8, lines 62-67, col. 9, lines 1-3); receiving the target profile (target value is stored in the target value storage section) (col. 8, lines 62-67, col. 9, lines 1-3); generating a device link profile based on the received target profile and a device profile (ICC profile 40 is created to meet characteristics of the image output system) (col. 5, lines 53-59); transmitting information, which indicates that the device link profile using the target profile is generated (ICC profile 40) (col. 5, lines 63-67, col. 6, lines 1-25).

10. Regarding Claim 30, Muramoto discloses a computer readable medium storing a program causing a computer to execute a process for performing a data processing, the process comprising: requesting for transmitting a target profile which represents color characteristics of devices (target value) (col. 8, lines 62-67, col. 9, lines 1-3); receiving the target profile (target value is stored in the target value storage section) (col. 8, lines 62-67, col. 9, lines 1-3); generating a device link profile based on the received target profile and a device profile (ICC profile 40 is created to meet characteristics of the image output system) (col. 5, lines 53-59); transmitting information, which indicates that

the device link profile using the target profile is generated (ICC profile 40) (col. 5, lines 63-67, col. 6, lines 1-25).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui (US 6,629,753) in view of Hayashi (US 7,139,087).

13. Regarding Claims 7 and 14, Usui teaches an image processing apparatus and method for performing a color correction process on the basis of: first color characteristic data indicating color characteristic with which a first image forming apparatus forms image data (color conversion tables each corresponding to each printer 21) (col. 7, lines 61-67) ***(Fig. 1 shows a plurality of printers 21, therefore there are a plurality of color conversion tables, for each specific printer 21)***, the image processing apparatus comprising: an acquisition unit for acquiring the first color characteristic data and the second color characteristic data (Fig. 1, color conversion tables 11); a generation unit for generating third color characteristic data, which is used in the color correction process (color conversion data is corrected via the keyboard of terminal 23), from the first color characteristic data and the second color characteristic data (result of the test printing of printing data) (col. 10, lines 54-67, col. 11, lines 1-9)); an evaluation unit for evaluating quality of the third color characteristic data (request

source proofs, checks colors to be printed on printer) (col. 11, lines 3-9); a calculation unit for calculating a fee (management unit calculates an estimated printing fee for the printing of the printing data) (col. 12, lines 18-20) for generating the third color characteristic data on the basis of the quality obtained as a result of the evaluation (terminal sends the reflected color conversion data) col. 11, lines 64-67, col. 12, lines 1-18), (*The color conversion data is interpreted by the examiner as the third characteristic data because it is the corrected color data to be printed based on the test printing*); and an accounting device for accounting for the calculated fee (management unit calculates an estimated printing fee for the printing of the printing data) (col. 12, lines 18-20).

Usui fails to teach second color characteristic data indicating color characteristic with which a second image forming apparatus forms the image data, so as to conform a result of an image into which the second image forming apparatus forms the image data to result in another image into which the first image forming apparatus forms the image data.

Hayashi teaches second color characteristic data indicating color characteristic with which a second image forming apparatus forms the image data, so as to conform a result of an image into which the second image forming apparatus forms the image data to result in another image into which the first image forming apparatus forms the image data (slave color copying machines carry out image processing to the received image data using image processing parameters corresponding to the master color copying machine, thereby producing outputs with uniform color reproducibility) (col. 10, lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Usui with the teaching of Hayashi to improve the color reproducibility of the printed materials.

14. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui and Hayashi as applied to claims 7 and 14 above, and further in view of Muramoto (US 7,006,691).

15. Regarding Claims 17 and 18, Usui and Hayashi fail to teach an image processing apparatus and method, wherein the first color characteristic data is a device profile corresponding to the first image forming apparatus, the second color characteristic data is a target profile corresponding to the first image forming apparatus, and the third color characteristic data is a device link profile.

Muramoto teaches an image processing apparatus and method, wherein the first color characteristic data is a device profile corresponding to the first image forming apparatus (obtained measured value) (col. 8, lines 62-67, col. 9, lines 1-3), the second color characteristic data is a target profile corresponding to the first image forming apparatus (target value) (col. 8, lines 62-67, col. 9, lines 1-3), and the third color characteristic data is a device link profile (ICC profile 40, the device link profile) (col. 6, lines 53-67, col. 7, lines 1-3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Usui and Hayashi with the teaching of Muramoto to correct a color profile of an image processing apparatus without spending a great deal of time and effort.

16. Claims 20, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa et al (US 2003/0020951) in view of Usui (US 6,629,753).

17. Regarding Claim 20, Minowa et al fails to teach a data processing system, further comprising; a storing unit that stores a plurality of target profiles each corresponding to each of a plurality of target devices, wherein the storing unit outputs one of the target profiles so that the rasterizing process is executed.

Usui teaches a data processing system, further comprising; a storing unit (management unit 10) that stores a plurality of target profiles each corresponding to each of a plurality of target devices (Fig. 1, color conversion tables 11), (one color conversion table is created for each of the plural printers) wherein the storing unit outputs one of the target profiles so that the rasterizing process is executed (management converts printing data to data suitable for printing carried out on each printer based on the color conversion data registered in color conversion tables) (col. 7, lines 54-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Minowa with the teaching of Usui to allow for the management of color characteristics for a plurality of printers by realizing pint data printed by a plurality of printers to be identical in colors.

18. Regarding Claim 24, Minowa et al fails to teach a data processing method, further comprising; storing a plurality of target profiles each corresponding to each of a plurality of target devices, wherein the storing of the target profiles comprises outputting one of the target profiles so that the rasterizing process is executed.

Usui teaches a data processing system, further comprising; storing a plurality of target profiles each corresponding to each of a plurality of target devices (Fig. 1, color conversion tables 11), (one color conversion table is created for each of the plural printers) wherein the storing of the target profiles comprises outputting one of the target profiles so that the rasterizing process is executed (management converts printing data to data suitable for printing carried out on each printer based on the color conversion data registered in color conversion tables) (col. 7, lines 54-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Minowa with the teaching of Usui to allow for the management of color characteristics for a plurality of printers by realizing pint data printed by a plurality of printers to be identical in colors.

19. Regarding Claim 28, Minowa et al fails to teach a process, further comprising; storing a plurality of target profiles each corresponding to each of a plurality of target devices, wherein the storing of the target profiles comprises outputting one of the target profiles so that the rasterizing process is executed.

Usui teaches a process, further comprising; storing a plurality of target profiles each corresponding to each of a plurality of target devices (Fig. 1, color conversion tables 11), (one color conversion table is created for each of the plural printers) wherein the storing of the target profiles comprises outputting one of the target profiles so that the rasterizing process is executed (management converts printing data to data suitable for printing carried out on each printer based on the color conversion data registered in color conversion tables) (col. 7, lines 54-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Minowa with the teaching of Usui to allow for the management of color characteristics for a plurality of printers by realizing pint data printed by a plurality of printers to be identical in colors.

20. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usui (US 6,629,753) in view of Minowa et al (US 2003/0020951).

21. Regarding Claim 22, Usui teaches a data processing system comprising: a request unit that requests a storing unit to transmit a target profile to the data processing system (corrected color conversion table is sent to management unit which corrects conversion tables) (col. 10, lines 61-67, col. 11, lines 1-9), the storing unit (management unit 10) being on a network and storing a plurality of target profiles (color conversion tables 11) each corresponding to each of a plurality of target devices (one color conversion table is created for each of plural printers), the target profiles representing color characteristics of the devices (color conversion tables 11)(col. 7, lines 53-60); a receiving unit that receives the target profile from the storing unit through the network (order receiving stations obtains from management unit color conversion data retained in color conversion table corresponding to the print installed) (col. 11, lines 60-63).

Usui fails to teach a data processing system comprising: a generation unit that generates a device link profile based on the target profile received by the receiving unit and a device profile; a transmitting unit that transmits information, which indicates that

the device link profile using the target profile is generated, to an accounting unit so that the accounting unit accounts for use of the target profile.

Minowa et al teaches a data processing system comprising: a generation unit that generates a device link profile based on the target profile received by the receiving unit and a device profile (ICC profile is one referred to as a device link profile) (col. 5, lines 63-67, col. 6, lines 1-21); a transmitting unit that transmits information, which indicates that the device link profile using the target profile is generated, to an accounting unit so that the accounting unit accounts for use of the target profile (profile obtaining section obtains prior to correction of the ICC profile, the ICC profile) (col. 8, lines 17-28).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Usui with the teaching of Minowa to allow a user to track usage of the ICC profile.

22. Claims 21, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa et al (US 2003/0020951) in view of Ohga (US 6,999,617).

23. Regarding Claim 21, Minowa et al fails to teach a data processing system, further comprising; a judging unit that judges whether or not the target profile is the latest version; and an acquisition unit that acquires the latest version of the target profile when the judging unit judges the target profile is not the latest version.

Ohga teaches a data processing system, further comprising; a judging unit that judges whether or not the target profile is the latest version; and an acquisition unit that acquires the latest version of the target profile when the judging unit judges the target

profile is not the latest version (method of updating a conversion LUT stored in the input profile) (col. 7, lines 55-64).

Therefore it would have been obvious to one of ordinary skill in the art to have combined the teachings of Minowa with the teaching of Ohga to use the latest version of the LUT for improving the color reproducibility of the printed materials.

24. Regarding Claim 25, Minowa et al fails to teach a data processing method, further comprising; judging whether or not the target profile is the latest version; and acquiring the latest version of the target profile when judging that the target profile is not the latest version.

Ohga teaches data processing method, further comprising; judging whether or not the target profile is the latest version; and acquiring the latest version of the target profile when judging that the target profile is not the latest version (method of updating a conversion LUT stored in the input profile) (col. 7, lines 55-64).

Therefore it would have been obvious to one of ordinary skill in the art to have combined the teachings of Minowa with the teaching of Ohga to use the latest version of the LUT for improving the color reproducibility of the printed materials.

25. Regarding Claim 29, Minowa et al fails to teach a computer readable medium, the process further comprising; judging whether or not the target profile is the latest version; and acquiring the latest version of the target profile when judging that the target profile is not the latest version.

Ohga teaches a computer readable medium, the process further comprising; judging whether or not the target profile is the latest version; and acquiring the latest

version of the target profile when judging that the target profile is not the latest version (method of updating a conversion LUT stored in the input profile) (col. 7, lines 55-64).

Therefore it would have been obvious to one of ordinary skill in the art to have combined the teachings of Minowa with the teaching of Ohga to use the latest version of the LUT for improving the color reproducibility of the printed materials.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATWANT K. SINGH whose telephone number is

(571)272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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